

MICHAEL HARTLEIB
P.O. Box 7078
Laguna Niguel, CA 92607

FILED VIA ECFS
September 14, 2007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation; Consolidated Application for Authority to
Transfer Control of XM Radio Inc. and Sirius Satellite Radio Inc.
MB Docket No. 07-57**

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, and the Commission's Public Notice dated March 29, 2007 (DA 07-1435), this letter notifies the Commission that at 12:30 PST on September 14, 2007, Michael Hartleib, on his behalf and on behalf of satellite radio consumers, had a conference call with Michelle Carey, Senior Legal Advisor to Chairman Martin.

Petitioner requested an explanation as to why the Chairman's Office chose to reclassify his Petition for Declaratory Ruling as a Complaint and send it to the Enforcement Bureau. As noted in previous *Ex Parte* filings, Petitioner was told by members of the Office of General Counsel and members of the Media Bureau, including but not limited to Royce Sherlock that the reason his Petition was sent to the Enforcement Bureau was to clarify whether or not the companies were in compliance with the Interoperability Mandate.

Petitioner sought answers as to what Statute allows the Chairman's Office to unilaterally reclassify a properly executed and filed Petition for Declaratory Ruling. It should be noted Petitioner asked Michelle Carey if there was a problem with the format or filing of his Petition. Ms. Carey stated that it was properly formatted and correctly filed. Petitioner informed Ms. Carey it appears as though he has been misled in an attempt to stall and prevent answers as to whether the companies are in compliance with the Interoperability Mandate and if so, how. Petitioner reminded Ms. Carey that the Commission has a duty to act in consumers' best interest.

Respectfully,

Michael Hartleib

